

REMARKS

Reconsideration of the present application is respectfully requested for the reasons that follow.

Claim Amendments

Claims 1-59 have been canceled. Claims 60-75 have been added. There is written description support for claims 60 and 61 in the specification at least at p. 1, para. 2 and p. 13, para. 2. There is written description support for claim 62 in the specification at least at p. 9, para. 2. There is written description support for claim 63 in the specification at least at p. 23, paras. 3-4. There is written description support for claims 64-66 in the specification at least at p. 9, para. 2. There is written description support for claims 67-72 in the specification at least at p. 3, para. 3 and p. 11, para. 3. There is written description support for claim 73 in the specification at least at p. 9, para. 2. There is written description support for claim 74 in the specification at least at p. 11, para. 3. There is written description support for claim 75 in the specification at least at p. 13, para. 2 combined with p. 14 para. 2.

Rejections under 35 USC § 112, second paragraph

The Examiner has rejected claims 22-24, 28-31, 43-46, 49-51 and 55-56 under 35 USC § 112, second paragraph, as failing to comply with the written description requirement. These claims have been canceled and, therefore, this rejection has been obviated and should be withdrawn.

Rejections under 35 USC § 112, first paragraph

The Examiner has rejected claims 22-24, 28-33 and 29-59 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. These claims have been canceled and, therefore, this rejection has been obviated and should be withdrawn.

Rejections under 35 USC § 102(b)

The Examiner has rejected claims 22-24, 28-29, 32, 39, 42-44 and 47 under 35 USC § 102(b) as being anticipated by Greer (WO 85/01871). The Examiner argues that Greer teaches a method of sensitizing neoplastic tissue to radiation comprising the administration of 5-CldC and H₄U to a patient. The Examiner also argues that Greer further teaches that CldC should be converted preferentially at the tumor site to CldUMP in human tumors possessing high levels of deoxycytidine kinase and dCMP deaminase. These claims have been canceled and, therefore, this rejection has been obviated and should be withdrawn as to these claims.

Furthermore, Greer does not anticipate claims 60-75. Specifically, Greer does not disclose at least the following elements: combined properties of halogenated analog classes (claims 60 and 61), high dose CldC (claims 62-64, 70), an amount of tetrahydrouridine to prevent toxicity (claims 67-69, 71, 72), gene unsilencing (claim 65), bringing cells to normality/ immunogenicity (claim 66, 73) a toxic dose of CldC (claim

74) and repair synthesis (claim 75). Therefore, Greer should not form the basis of an anticipation rejection of claims 60-75.

Rejections under 35 USC § 103(a)

The Examiner has rejected claims 30, 31, 40 and 41 under 35 USC § 103(a) as being obvious over Greer (WO 85/01871) in view of Shepherd (Cancer, 1992). Greer is discussed above. Shepherd is directed to the treatment of patients with primary hepatocellular carcinoma with yttrium-90 microspheres. The Examiner argues that Shepherd teaches the use of yttrium-90 microspheres as a radiation source, which is not taught by Greer, thus rendering these claims obvious.

The Examiner has rejected claims 33, 45-46, 48, 50-51, 53-56 and 58-59 under 35 USC § 103(a) as being obvious over Greer (WO 85/01871). The Examiner argues that Greer does not explicitly teach the treatment of specific tumors as recited in the instant claims, nor does Greer teach that the treatment of the tumors results in gene silencing. However, the Examiner argues, that one of skill in the art would be able to apply the teachings of Greer to the treatment of various tumors, thus rendering these claims obvious.

The Examiner has rejected claims 49, 52 and 57 under 35 USC § 103(a) as being obvious over Greer (WO 85/01871) in view of Nagatake (Cancer Research, 1996). Nagatake is directed to study results determining that aberrant hypermethylation

occurs at the bcl-2 locus in non-small cell lung cancers. The Examiner argues that Nagatake teaches that the treatment of a tumor is associated with hypermethylation, which is not taught by Greer, thus rendering these claims obvious.

The claims subject to the obviousness rejection have been canceled and, therefore, this rejection has been obviated and should be withdrawn as to these claims. In addition, Shepherd and Nagatake do not disclose the elements of claims 60-75, identified above, which are not disclosed in Greer. Therefore, claims 60-75 are not rendered obvious by some combination of Greer, Shepherd and Nagatake and they should not form the basis of an obviousness rejection of claims 60-75.

In view of the foregoing, it is submitted that the present application is now in condition for allowance. Reconsideration and allowance of the pending claims are requested. The Director is authorized to charge any fees or overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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